

RESOLUTION NO. CZAB5-5-12

WHEREAS, **MIAMI GARDENS COMMONS, LLC** applied for the following:

- (1) DISTRICT BOUNDARY CHANGE from IU-C to BU-2.
- (2) NON-USE VARIANCE of zoning regulations as applied to private school requirements to permit a classroom space of 17,158 sq. ft. (22,675 sq. ft. required).
- (3) NON-USE VARIANCE of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (200,550 sq. ft. required).
- (4) NON-USE VARIANCE of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (5autostacking spaces required).
- (5) NON-USE VARIANCE of sign regulations to permit 1 tenant with 2 wall signs (1 wall sign per tenant permitted).
- (6) NON-USE VARIANCE to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or its successor department entitled "Miami Garden Commons," as prepared by Gutierrez & Lozano Architects and dated stamped received 3/21/12 consisting of 6 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "B", less the West 193.88 feet thereof, Miami Gardens Corporate Park, Plat Book 130, Page 36.

LOCATION: 5901 Miami Gardens Drive, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 5 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to BU-2 (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requested non-use variance of zoning regulations as applied to private school requirements to permit a classroom space of 17,158

sq. ft (Item #2), the requested non-use variance of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (Item #3), the requested non-use variance of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (Item #4), the requested non-use variance of sign regulations to permit 1 tenant with 2 wall signs (Item #5), and the requested non-use variance to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line (Item #6) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and should be denied, and

WHEREAS, a motion to deny the application with prejudice was offered by Leonardo A. Perez, seconded by Joanne Carbana, and upon a poll of the members present the vote was as follows:

Joanne Carbana aye
Ira J. Paul aye

Leonardo A. Perez aye
Alexander C. Senderoff aye

Juan A. Garcia nay

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 5, that the requested district boundary change to BU-2 (Item #1) be and the same is hereby denied with prejudice.

BE IT FURTHER RESOLVED that the requested non-use variance of zoning regulations as applied to private school requirements to permit a classroom space of 17,158 sq. ft (Item #2), the requested non-use variance of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (Item #3), the requested non-use variance of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (Item #4), the requested non-use variance of

sign regulations to permit 1 tenant with 2 wall signs (Item #5), and the requested non-use variance to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line (Item #6) be and the same are hereby denied with prejudice.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Regulatory and Economic Resources.

PASSED AND ADOPTED this 28th day of June, 2012.

Hearing No. 12-06-CZ5-1

ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

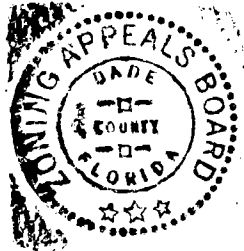
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Permitting, Environment and Regulatory Affairs or its successor as designated by the Director of the Miami-Dade County Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 5, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB5-5-12 adopted by said Community Zoning Appeals Board at its meeting held on the 28th day of July, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 6th day of July, 2012.



Earl Jones, Deputy Clerk (3230)
Miami-Dade Department of Regulatory and Economic
Resources

SEAL





Department of Regulatory and Economic Resources

Development Services Division
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Miami, Florida 33128-1902
T 305-375-2640
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July 6, 2012

Miami Gardens Commons, LLC
c/o John Herin
401 E Las Olas Blvd Ste 1850
Fort Lauderdale, FL 333014236

Re: Hearing No. 12-06-CZ5-1
Location: 5901 Miami Gardens Drive, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. CZAB5-5-12, adopted by the Miami-Dade County Community Zoning Appeals Board 5, which denied your application with prejudice.

Information regarding options and methods for challenging a decision of a Community Zoning Appeals Board may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website (www.municode.com). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

Copies of any court filings concerning this matter should be served upon both my office and:

R.A. Cuevas, Jr.
County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Jones".

Earl Jones
Deputy Clerk

Enclosure